

House File 2380

H-8218

1 Amend House File 2380 as follows:

2 1. Page 27, after line 4 by inserting:

3 <Sec. _____. Section 279.13, subsections 2 and 3,
4 Code 2011, are amended to read as follows:

5 2. The contract shall remain in force and effect
6 for the period stated in the contract, ~~and shall be~~
7 ~~automatically continued for equivalent periods~~ except
8 as modified or terminated by mutual agreement of the
9 board of directors and the teacher or as terminated
10 in accordance with the provisions specified in this
11 chapter. A contract shall not be offered by the
12 employing board to a teacher under its jurisdiction
13 prior to March 15 of any year. A teacher who has
14 not accepted a contract for the ensuing school year
15 tendered by the employing board may resign effective at
16 the end of the current school year by filing a written
17 resignation with the secretary of the board. The
18 resignation must be filed not later than the last day
19 of the current school year or the date specified by the
20 employing board for return of the contract, whichever
21 date occurs first. However, a teacher shall not be
22 required to return a contract to the board or to resign
23 less than twenty-one days after the contract has been
24 offered.

25 3. If the provisions of a contract executed ~~or~~
26 ~~automatically renewed~~ under this section conflict with
27 a collective bargaining agreement negotiated under
28 chapter 20 and effective when the contract is executed
29 or renewed, the provisions of the collective bargaining
30 agreement shall prevail.>

31 2. Page 27, after line 22 by inserting:

32 <Sec. _____. Section 279.14, subsection 1, Code 2011,
33 is amended to read as follows:

34 1. The board shall establish evaluation criteria
35 and shall implement evaluation procedures. If an
36 exclusive bargaining representative has been certified,
37 the board shall negotiate in good faith with respect to
38 evaluation procedures pursuant to chapter 20. However,
39 the evaluation procedures established by the board
40 shall prevail, absent a showing that the evaluation
41 procedures are arbitrary or capricious.

42 Sec. _____. Section 279.17, subsection 6, Code 2011,
43 is amended to read as follows:

44 6. a. The adjudicator may affirm board action
45 or remand to the board for further proceedings. The
46 adjudicator ~~shall~~ may only reverse, modify, or grant
47 any appropriate relief from the board action if
48 substantial rights of the teacher establishes by clear
49 and convincing evidence, after giving deference and
50 weight to the findings of fact of the board, that

1 substantial rights of the teacher have been unduly
2 prejudiced because the board action is meets any of the
3 following criteria:
4 a. (1) In Is in clear violation of a an explicitly
5 expressed board rule or policy or contract; or.
6 b. (2) Unsupported Is unsupported by a
7 preponderance of the any competent evidence in the
8 record made before the board when that record is viewed
9 as a whole; or and is clearly unreasonable, arbitrary,
10 or capricious.
11 c. Unreasonable, arbitrary or capricious or
12 characterized by an abuse of discretion or a clearly
13 unwarranted exercise of discretion.
14 b. At all times, the adjudicator shall give
15 deference to the discretion of the board and shall view
16 the evidence in the light most favorable to the board's
17 decision.>
18 3. By renumbering as necessary.

CHAMBERS of O'Brien